

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

Nos. 11-3301 and 11-3426

ZF MERITOR, LLC;
MERITOR TRANSMISSION CORPORATION,

Appellants, No. 11-3426

v.

EATON CORPORATION,

Appellant, No. 11-3301

On Appeal from the United States District Court
for the District of Delaware
(D.C. No. 1-06-cv-00623)
District Judge: Honorable Sue L. Robinson

Argued June 26, 2012
Before: FISHER and GREENBERG, *Circuit Judges*, and OLIVER, ** District Judge*.

JUDGMENT

This cause came on to be heard on the record from the United States District Court for the District of Delaware and was argued on June 26, 2012.

On consideration whereof, it is now hereby ORDERED and ADJUDGED that the orders of the District Court entered August 20, 2009, and March 10, 2011, be and the same are hereby AFFIRMED. The order of the District Court entered August 4, 2011, be and the same is hereby AFFIRMED, in part, and REVERSED, in part. The order of the


* The Honorable Solomon Oliver, Jr., Chief Judge of the United States District Court for the Northern District of Ohio, sitting by designation.

District Court entered August 19, 2011, by and the same is hereby VACATED. The matter is REMANDED to the District Court for further proceedings. All of the above in accordance with the opinion of this Court.

Each party shall bear its own costs.

Attest:
Marcia M. Waldron
Clerk

Dated: September 28, 2012

The seal of the United States Court of Appeals for the Third Circuit is circular. It features an eagle with wings spread, perched on a shield. The shield is divided into sections, with a constellation of stars in the upper left. The words "UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT" are inscribed around the perimeter of the seal.
Certified as a true copy and issued in lieu
of a formal mandate on 11/05/12

Teste: *Marcia M. Waldron*
Clerk, U.S. Court of Appeals for the Third Circuit